

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1766 OF 2001 (M/S)

(Old No. 6077/99)

(Civil Misc. Application No. 5422 of 2006)

Suresh Chand S/o Simru Singh
R/o Vill. Mohammadpur, Post Gurukul Narsan
Pargana Manglore, District Hardwar.

...

....Petitioner

Versus

1. State of U.P.
2. Executive Engineer
Ganga Canal Muzaffarnagar
Division Muzaffarnagar

.....Respondents

08.05.2006

***Sri Manish Arora, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.***

Hon'ble Rajesh Tandon, J.

Heard Sri Manish Arora, Counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the notice dated 04.01.1999 passed by the respondent No. 2.

Briefly stated the petitioner has obtained a small area of 3 Bighas and 5 Biswa of canal side land from the respondent no. 2. The lease deed was executed in favour of the petitioner in the year 1989 for a period of five years. Government order was issued for granting lease for landless persons and the petitioner has claimed the lease deed vide government order dated 25.02.1974 which is less than 12½ acres and the lease was granted vide order dated 06.07.1995 for the period from 01.4.1994 to 31.03.1999. According to the petitioner, he has deposited the land revenue regularly and has always followed the terms & conditions of the Lease

Deed. Petitioner has submitted that before the expiry of the period of lease, the petitioner has moved an application dated 09.11.1998 before the respondent no. 2 for renewing the lease for the subsequent term of five years. A Certificate has been issued to the petitioner by the Tehsildar, Roorkee Distt: Hardwar that petitioner is landless. On 04.01.1999 the respondent No. 2 has directed to evict the petitioner from the lease land. The petitioner has filed the writ petition before the Hon'ble Allahabad High Court and interim order was granted on 23.02.1999 to the following effect:

"In the meantime, the dispossession of the petitioner from the land in dispute shall not take place, if he has not already been dispossessed."

In view of the directions issued on 23.02.1999 by the Allahabad High Court, the respondents are directed to consider the renewal application of the petitioner within a period of six weeks from the date of production of the certified copy of this order. During this period, both the parties are directed to maintain the status quo.

Consequently, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

08.05.2006

Jain